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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1825 (2008), by which the Council, pursuant to the request of the Government of Nepal and the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN), as set out in resolution 1740 (2007), until 23 January 2009. UNMIN was established as a special political mission with a mandate which included the monitoring of the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN (M)) and the Nepal Army.

2. The report reviews progress in the peace process and the implementation of the mandate of UNMIN since my report to the Council of 24 October 2008 (S/2008/670).

II. Progress of the peace process

3. On 31 October and 1 November 2008, I visited Nepal, where I had the honour of addressing the Constituent Assembly and offering my sincere congratulations on the historic transformation that the country had undergone. During my visit, I met with the President, Ram Baran Yadav, the Prime Minister, Pushpa Kamal Dahal "Prachanda", and leaders of major political parties. I stressed that the most immediate challenge ahead is to integrate and rehabilitate Maoist army personnel, and in this regard, I welcomed the Government's announcement of the establishment, on 28 October, of the special committee to supervise, integrate and rehabilitate Maoist army personnel. I encouraged the parties represented on the committee to ensure that it would begin its important work as soon as possible. I also called on the Government to move quickly on the formal discharge of disqualified personnel, in particular minors.

4. Since the swearing in of the coalition Government led by CPN (M) in August, there has been slow progress on key peace process-related issues, particularly in relation to the special committee, which has yet to convene. While the Constituent Assembly has agreed on the regulations for drafting the Constitution, which under the Interim Constitution should be completed by May 2010, and committee members have been named, the substantive work of the Assembly has yet to begin.

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The Government has made some progress in its efforts to facilitate contacts with armed groups, but the security situation in parts of the Tarai — the plains of Nepal — remains of great concern.

5. The passage of the budget for the remainder of fiscal year 2008/09 by the Constituent Assembly acting in its capacity as a Legislature-Parliament was delayed owing to objections to some of its provisions by the Nepali Congress (NC), the main opposition party. NC threatened to stop the functioning of the Legislature-Parliament through protest action if certain demands were not met. On 9 November, it presented those demands, which related to some long-standing issues in connection with the peace process, as well as concerns about the budget, to the Prime Minister. He publicly committed the Government to implementing measures to meet those demands during an address to the Legislature-Parliament. On 14 November, the budget was unanimously adopted.

6. Under the agreement with NC, the Prime Minister pledged that property seized by the Maoists during the insurgency would be returned by 15 December 2008. The Maoists have made repeated commitments to return land and property since the signing of the Comprehensive Peace Agreement in November 2006. In a subsequent development, on 30 November the Government signed a four-point agreement with the National Land Rights Forum to address broader issues of landlessness, and on 10 December it announced the establishment of a scientific land reform commission.

7. The Prime Minister also agreed to end "paramilitary" activities of the CPN (M)-affiliated Young Communist League (YCL), which have continued to come under strong criticism from all other parties. Two young men abducted by members of the League in Dhading district on 20 October were found dead on 18 November, triggering protests that brought the capital to a standstill on 20 November.

8. In addition to agreeing to implement measures to meet those two key demands, the Prime Minister agreed that Maoist army personnel and weapons would no longer be used for the security of Maoist leaders; that all financial decisions pertaining to the management of Maoist army cantonments would be brought under the auspices of the special committee; and that the terms of reference of local peace committees would be revised. In addition to those peace-process-related issues, some revisions to the budget were also promised.

9. From 21 to 23 and on 25 November, CPN (M) held a national gathering, its third most authoritative decision-making body, to resolve differences within the leadership about the future direction of the party. After a debate about the path towards the party's goal of a "people's republic", the Maoists committed themselves to a progression by phases to a "people's federal democratic national republic", through a transitional period which will focus on completing the army integration process, carrying out development and reconstruction activities, promoting economic growth and drafting a "pro-public" constitution. The party decided to establish an internal advisory committee on army integration, which will include central leaders and divisional commanders. The party's strategy is to be debated further at a general convention planned for mid-2009. The internal debate held during the national gathering and some public statements by Maoist leaders also resonated outside the party, giving rise to further questioning of the CPN (M) commitment to multi-party democracy and concern that the party has not abandoned its military past.

10. NC has also been engaged with party activities, conducting a national awareness campaign around the country to rebuild the party's base after its disappointment at the results of the April Constituent Assembly election. At mass meetings in several locations, senior NC leaders expressed strong criticism of the Maoist-led Government. On 18 December, NC began a boycott of the Legislature-Parliament, protesting that the Prime Minister's undertakings in response to its demands, including the return of property by 15 December, had not resulted in those demands being met.

11. Coalition partners, most notably the Communist Party of Nepal (Unified Marxist-Leninist) (UML) and the Madhesi People's Rights Forum (MPRF), have also been highly critical of the Maoist leadership of the Government, complaining about lack of consultation as well as the behaviour of Maoist cadres. The coalition partners have agreed to form a high-level political coordination committee to guide the functioning of the Government, but the body has yet to start operating, while uncertainties about its membership continue. The Government, like its predecessor, is committed to the establishment of a national peace and rehabilitation commission, which could be a significant mechanism for multi-party cooperation regarding peace-process-related issues, but that, too, has yet to be formed. In the meantime, there is widespread concern that cooperation among the major political forces, which is crucial for the completion of the peace process and the drafting of the Constitution, has to a great extent broken down, and there are mutual recriminations regarding the responsibility for that. The Prime Minister has publicly threatened that, in the absence of cooperation, CPN (M) might leave government, drawing further criticism.

Drafting the Constitution

12. The Constituent Assembly approved its regulations and procedures for drafting the country's new Constitution on 14 November, following a protracted debate at the committee level. The Assembly then endorsed an 82-week calendar for completing the drafting process by May 2010. The first deadline of 28 November for the election of the Assembly Vice-Chairperson was met when the CPN (M) candidate, Purna Kumari Subedi, was elected with the support of UML. Five candidates from smaller parties also contested the position. Most parties had agreed informally that the position should be held by a woman.

13. Under the Assembly regulations, 14 committees will carry out the Constitution-drafting role of the Assembly. The core Constitution-drafting committee is the 61-member Constitutional Committee, which will base its work on concept papers prepared by 10 thematic Assembly committees and finalize it after the preamble and individual articles have been approved by the Assembly. Three Assembly administrative committees will be responsible for public relations, capacity development and resource management and the monitoring of public opinion to help ensure public awareness of and input into the Constitution-making process. Those committees are not to exceed 43 members and can receive specialized input from public officials and experts. A further 10 committees will fulfil the role of the Assembly acting in its capacity as a Legislature-Parliament. Political parties have nominated members of the Assembly committees formed on 15 December, but have yet to elect chairpersons.

14. There had been two specific sticking points in negotiations on the regulations. First, the smaller parties had pressed for an increase in the size of the Constitutional Committee, which, as initially proposed, would have comprised 15 members. Secondly, the smaller parties had been opposed to a proposal under which Assembly members would have had to follow party whips when voting on constitutional provisions, a rule supported by some of the larger parties. There were protracted negotiations on both issues, following which the Constitutional Committee was increased to 61 members. However, there are concerns that the need to obtain consensus among so many members, while helping to ensure that the voices of the smaller parties and marginalized groups are heard, could seriously slow the work of the committee. With regard to the issue of the use of party whips, minority parties demanded a vote of conscience on constitutional issues to allow for representatives of marginalized groups to vote across party lines. The issue was eventually resolved by avoiding reference in the regulations to party whips or conscience voting.

Integration and rehabilitation

15. On 28 October, just prior to my visit to Nepal, the Government announced the formation of the special committee to supervise, integrate and rehabilitate the Maoist army personnel, as provided for in article 146 of the Interim Constitution. The 25 June agreement of the Seven-Party Alliance had provided that the committee would comprise members from "major parties", whether or not they were represented in the Government. The Government decision provided for one representative each from CPN (M), UML, MPRF and NC, with the UML Deputy Prime Minister and Home Minister acting as coordinator of the committee, and the CPN (M) Minister for Peace and Reconstruction as an additional ex officio member.

16. The formation of the special committee immediately met with controversy, as NC objected to the terms of reference decided upon by the Government, which, it argued, were at variance with the 25 June agreement, which had set out the broad parameters of the functioning of the special committee. Other smaller opposition parties expressed disappointment at not being consulted. Negotiations among the largest parties subsequently appeared to resolve their differences regarding the terms of reference. NC also objected to the composition of the committee, however, calling for equal representation of parties, and no agreement has yet been reached on this point.

17. Meanwhile, political leaders and others have continued to make divergent public statements. Some statements by several senior members of NC suggest strong opposition to any integration of Maoist army personnel into the Nepal Army. UML leaders have expressed opposition to "extreme" positions of no integration or complete integration of all Maoist army personnel, and are committed to the establishment of the special committee and the use of that body for resolving outstanding issues. MPRF has nominated a representative to the special committee, and, together with other Madhesi parties, is pressing for greater representation of Madhesis in the Nepal security forces — a demand that had already been accepted in the agreement signed by the interim Government and Madhesi parties on 28 February 2008.

18. Regrettably, there has been no progress during the reporting period on discharge from the Maoist army cantonments of those who were minors in May 2006, along with other personnel disqualified as a result of the UNMIN verification

exercise. However, during the visit of my Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, the Prime Minister assured her that the discharge of minors would proceed without further delay. United Nations partners stand ready to assist the Government in the discharge and rehabilitation of minors and late recruits.

Other challenges affecting the peace process

19. The Government has followed through on its intention to negotiate with armed groups operating in parts of the Tarai by forming a ministerial committee and extending invitations to armed groups for talks. The Ministers for Peace and Reconstruction and Local Development have each held informal talks with members of armed groups in preparation for formal talks. A number of armed groups have reportedly accepted the invitation. However, some community and political leaders have expressed scepticism that talks can be productive, particularly as many of the armed groups appear more criminal than political in nature, with uncertain command and control over their members. The most contentious demand made by some groups is for the entire Tarai to be designated a single federal state. Ongoing killings, abductions and extortion by armed groups add to the difficulties of creating an environment conducive to talks.

20. Militant youth groups affiliated with political parties and movements have continued to proliferate, with the establishment of five such organizations having been announced during the reporting period. The creation of militant youth wings increases the risk of local violence and, when such groups engage in purported law-enforcement activities, runs counter to efforts to re-establish the rule of law, and further weakens the legitimacy of State institutions already perceived by the population as ineffectual. Credible reports suggest that many children are involved in youth wings, whose activities, including protests, can place such children at risk. In a context in which other parties maintain that their youth wings are responding to the activities of YCL, a particular responsibility rests with CPN (M) to fulfil commitments to end its paramilitary functioning and ensure that it complies fully with the laws of the land.

21. Many peace process commitments have still not been implemented. Despite repeated commitments to return property seized by Maoists, none of the agreements reached with the interim Government or the current Government to establish a mechanism to monitor such return have been implemented. Although there is no definitive record of seizures and returns to date, there are many known cases of land and property not being returned, and new seizures continue to be reported. Funds have been released for internally displaced persons and for compensation for other victims of the conflict, but many victims are not satisfied that there is a comprehensive and equitable framework to address their claims. Little progress has been made on the formation of most of the commissions provided for in various peace process agreements. However, the Government has approved a draft bill on criminalizing disappearances, which is to be considered by the Legislature-Parliament. This would pave the way for the formation of the commission to investigate disappearances, and the Government has announced the formation of a seven-member scientific land reform commission (see para. 6). Madhesi parties remain concerned that commitments made to them in agreements with the interim Government have not been fulfilled.

III. Status of the United Nations Mission in Nepal

22. As at 1 December, a total of 355 of the authorized 396 personnel were in the Mission. Of 277 civilian personnel, 83, or 30 per cent, are female; among substantive staff, 42 per cent are female, while among administrative staff, 25 per cent are female. There are three women arms monitors, a category largely subject to the nomination of candidates by Member States. Of the national staff, 45 per cent (72 out of 160) are from historically marginalized groups.

23. I am pleased to report that, following approval by the Cabinet, the status-of-mission agreement was signed on 5 December.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

24. The Arms Monitoring Office has continued to monitor the compliance of the Nepal Army and the Maoist army with the Agreement on Monitoring the Management of Arms and Armies. Arms monitors continue to maintain round-the-clock surveillance of the weapons storage areas at the seven main cantonment sites of the Maoist army, from which they also visit the satellite cantonment sites, and the Nepal Army weapons storage site. Other operations are conducted by mobile teams operating from the headquarters of the Arms Monitoring Office in Kathmandu.

25. The Joint Monitoring Coordinating Committee has continued to meet under the chairmanship of the Chief Arms Monitor, and the senior officers representing the Nepal Army and the Maoist army have continued to cooperate closely on decision-making, exchange of information, confidence-building measures and resolution of disputes. As at the end of December, the Committee had held 89 meetings since it first convened in December 2006. During the reporting period, the Coordinating Committee considered six alleged violations of the Agreement on Monitoring the Management of Arms and Armies, of which two were substantiated as violations, three were not substantiated and one is pending further clarification.

26. At the request of the Ministry of Peace and Reconstruction, arms monitors witnessed further salary payments to eligible Maoist army personnel at the main cantonment sites. Payments are now made by bank cheques issued in the name of the individual.

B. Child protection

27. During my visit, I called on the Government to move quickly on the formal discharge of minors and disqualified Maoist army personnel. The Mission continued to engage with the Government and CPN (M) with a view to expediting the formal discharge from the cantonments of those disqualified because they were minors in May 2006. The Minister for Peace and Reconstruction indicated that the release of minors is not conditional on the formation of the special committee, but by mid-December his Ministry had still not been ready to discuss with the Mission and its United Nations partners the process of discharge and reintegration.

28. As requested by the Security Council, my Special Representative for Children and Armed Conflict visited Nepal from 1 to 6 December 2008. The objective of her visit was to ascertain at first hand the impact of the conflict on children in the context of Council resolution 1612 (2005) and her broader mandate. The Special Representative met with senior Government officials, military personnel, the United Nations country team, non-governmental organizations and children, and visited a Maoist army cantonment site, where she met the divisional and brigade commanders and a group of minors awaiting discharge. She received a pledge from the Prime Minister that the discharge of minors would commence without further delay (see para. 18).

29. In conjunction with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund, the Child Protection Team continued to report on the implementation of resolution 1612 (2005) and provide information on progress concerning discharge and violations of children's rights to the Security Council Working Group on Children and Armed Conflict through the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

C. Political affairs

30. The Political Affairs Office continued to monitor and analyse the political situation in the country and assist the Mission leadership in its efforts to support the peace process. Political affairs officers continued to meet regularly with stakeholders, including Government officials, representatives of political parties and civil society organizations, as well as regional and international actors. The activities of small militant groups, both armed and unarmed, and their potential to disrupt the peace process were monitored. The Office continued to assess the status of implementation of the Comprehensive Peace Agreement as well as other relevant agreements. The Office provided briefings to the United Nations country team and meetings of the wider international community. It closely followed dynamics within and between the political parties, as well as the evolving role and impact on the peace process of historically marginalized groups. The Office also observed proceedings of the Constituent Assembly.

D. Public information

31. During the reporting period, national media focused on the integration and rehabilitation of former Maoist army personnel, with often conflicting comments made by political leaders and others about the formation of the special committee to address this issue. Other topics that received sustained coverage were negotiations with Tarai armed groups towards the holding of talks; ideologically differing proposals presented by Maoist leaders to the party's Central Committee meeting and national gathering; and deteriorating conditions in the area of press freedom. National media reported on the likelihood of a request from the Government for an extension of the mandate of UNMIN and on criticisms by some NC leaders regarding the Mission's fulfilment of its mandate. Several high-level visits to Nepal, including my own, were widely reported.

32. The public information and translation unit was closely involved in several aspects of my visit, including the distribution of my address to members of the Constituent Assembly and the organization of a press conference attended by more than 100 national and international journalists. It also played an active role in executing media strategies for the visit of my Special Representative for Children and Armed Conflict. The Unit released a book on the United Nations and the peace process in Nepal and organized a photo exhibition at United Nations House in Kathmandu for United Nations Day on 24 October, working closely with the country team on the event held to mark the occasion.

33. The Unit arranged key interviews and site visits for national and international media, and continues to be actively involved in monitoring the media.

E. Safety and security

34. The security situation in the country remained relatively calm. During the reporting period there was little direct or indirect threat to United Nations personnel and property, aside from staff being caught up in disruptions caused by strikes. Severe flooding in several southern areas of the country hampered operations and highlighted the limitations in the Government capacity to respond to natural disasters, which has the potential to affect the safety of United Nations staff. Cooperation and coordination with the Nepal office of the Department of Safety and Security remained strong.

V. Mission support

35. The mission support component has continued to effectively support UNMIN activities throughout the mission area. The continued presence of arms monitors at the seven Maoist army cantonment sites and their conduct of mobile patrolling entail a wide geographical dispersion of UNMIN personnel. Consequently, communications and air transport resources continue to be required to provide the necessary logistics support, security and medical linkages between Kathmandu and the remote deployment locations of the arms monitors.

36. The mission support component is progressively scaling down the infrastructure and material resources within the Mission. Material assets recovered following the closure of the regional offices are under disposal action, with surplus equipment being consigned to other missions and the United Nations Logistics Base at Brindisi. Additional consignments and disposal action will be completed in conjunction with any further downsizing or liquidation activity early in 2009. This phased reduction will substantially minimize the final liquidation phase.

VI. Human rights

37. In my address to the Constituent Assembly on 1 November, I stressed that sustaining peace would also require efforts to heal the wounds caused by the conflict, which means clarifying the fate of those who disappeared and compensating victims, as well as enabling displaced persons to return to their homes. I said that this would also entail pursuing an honest and inevitably painful

acknowledgment of the truth about past human rights violations and ending impunity.

38. The Government has taken some positive steps towards meeting commitments to establish transitional justice mechanisms. On 7 November, the Minister for Peace and Reconstruction informed the Legislature-Parliament that the Government was working on the early formation of a truth and reconciliation commission and, on 19 November, the Cabinet approved a draft bill on disappearances that aims to criminalize disappearance and establish the legal framework for a commission to investigate and report on conflict-related disappearances. OHCHR submitted suggested amendments to the draft, which will now be considered by the Legislature-Parliament.

39. On 19 December, OHCHR released a report on its investigations into a series of disappearances that occurred in Bardiya district in the period from 2001 to 2003, during the armed conflict. The report documents the cases of 156 people whose disappearances, the majority of which followed their arrest by the former Royal Nepalese Army, are linked to State authorities. The report cites credible witness testimony suggesting that a number of detainees were killed while in custody, or shortly after being removed by members of the security forces, and documents the systematic use of torture and cruel, inhuman or degrading treatment in the Chisapani barracks of the Royal Nepalese Army. The report also details 14 similar cases attributed to CPN (M).

40. The need for progress on those issues was underlined when, on 28 October, in its first ruling on Nepal, the Human Rights Committee found Nepal in violation of its obligations under the International Covenant on Civil and Political Rights in relation to the case of a man who disappeared following his alleged arrest by Nepal Army personnel in 2002. Nepal was requested to respond to the Committee within 180 days regarding the measures taken in connection with the Committee's views.

41. The National Human Rights Commission held regular meetings with senior Government officials, including the Deputy Prime Minister and Home Minister, to raise a range of concerns, including impunity, violence against women, the Government's failure to implement the Commission's recommendations and the security situation in Nepal. The Government, including the Home Minister, reportedly promised to strengthen coordination with the Commission and implement its recommendations. However, implementation of those pledges remains to be seen in practice.

42. Public security remained an issue of serious concern in many Tarai districts, where the population continued to be subjected to criminal activities by armed groups. In Kapilvastu district, an increase in armed group activity was linked to a failure on the part of the authorities to address the root causes and consequences of the violence of September 2007, in which 14 people were killed and thousands displaced. The armed groups operating in Kapilvastu are believed to include members of a former vigilante group whose members were never disarmed and who were allegedly implicated in the violence. Armed group activity was also reported in some hill districts, including Khotang and Bhojpur, where the Kirant Janabadi Workers Party continued intimidation and extortion activities, targeting primarily village-level government secretaries and schoolteachers.

43. The Cabinet's decision of 27 October to withdraw 349 cases of a so-called political nature filed at the district level either before the district court or the District Administration Office added to concerns regarding impunity. OHCHR wrote to the Minister for Law, Justice and Constituent Assembly Affairs requesting details of the decision, reiterating the obligation of Nepal to investigate and prosecute gross violations of human rights and humanitarian law. While it is unclear whether the current decision is intended as a permanent bar on proceedings, OHCHR stressed the importance of a transparent and impartial process to ensure that cases that might amount to serious violations and international crimes were not made the subject of a "de facto amnesty". The findings of OHCHR so far indicate that most of the persons named in the cases were Maoists, including some senior members of the Government, and that some of the cases related to incidents that occurred after the end of the conflict.

44. There was a strong public reaction to media reports that on 21 October the Minister of Defence (CPN (M)) met with Maoist army commander Kali Bahadur Kham "Bibidh", for whom an arrest warrant had been issued on 12 June in connection with the abduction and subsequent killing of businessman Ram Hari Shrestha in May in a cantonment site in Chitwan district. The Minister denied the report. CPN (M) had given assurances when the murder came to light that it would hand over "Bibidh", whom it said had been suspended, but who reportedly continued to hold responsibilities as a Maoist army commander. The results of a judicial investigation into the death of Mr. Shrestha have still not been made public. On 10 November, the Deputy Prime Minister and Home Minister assured the Constituent Assembly that resources would be mobilized to arrest "Bibidh" and the two other people for whom warrants were outstanding in connection with the murder of Mr. Shrestha. No arrests have been made, however.

45. Although they are far fewer in number than before the Constituent Assembly election of April 2008, violent incidents implicating CPN (M) or YCL members continued to be reported. There were widespread protests after two young men abducted by members of YCL in Dhading district on 20 October were found dead on 18 November (see para. 7). Protestors demanded the resignation of the Prime Minister and the Home Minister over the alleged involvement of YCL. The Chairman of YCL denied the party's involvement and expressed his commitment to legal action being taken against the perpetrators. The Government appointed a committee to investigate the killings.

46. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, visited Nepal during the period from 24 November and 2 December at the invitation of the Government. During his visit, the Special Rapporteur met with representatives of indigenous groups in Kathmandu and in Ilam, Jhapa, Chitwan and Kailali districts, and with Government and non-governmental representatives. On concluding his visit, the Special Rapporteur underscored the need to guarantee the rights of indigenous peoples in the Constitution and emphasized that the right to self-determination and autonomy of indigenous groups would need to be adequately reflected by the decentralization of decision-making processes. The report of the Special Rapporteur will be presented to the Human Rights Council in September 2009.

VII. Mine action

47. The United Nations mine action team has been transferred from UNMIN and is now a part of the United Nations country team, under the oversight of the Resident Coordinator. Upon receiving, on 3 October, the Government's formal request for continued United Nations support for demining activities, the team resumed full demining activities, supporting the parties in meeting their obligations under the Comprehensive Peace Agreement and the Agreement on Monitoring the Management of Arms and Armies.

48. A week-long refresher training programme was conducted from 24 to 28 November for Nepal Army deminers, and two teams were deployed. Training for new deminers and the deployment of a third team is scheduled for early 2009. By mid-December, 5 of the 53 minefields in Nepal had been cleared and three had been partially cleared. A detailed strategic plan for improving the relevant organizational and managerial capacity of the Nepal Army is being developed to ensure the sustainability of the national demining capacity.

49. The United Nations mine action team, working in partnership with the embassy of the United Kingdom of Great Britain and Northern Ireland, is conducting an assessment of the capacity of the Nepal Army's explosive ordnance and improvised explosive devices disposal team and the need for training to create and sustain adequate national capacity. To initiate this project, a United Nations technical adviser and an expert in explosive ordnance disposal and improvised explosive devices conducted a 10-day in-country assessment of the Nepal Army's response team capacity. On the basis of that assessment and subsequent recommendations, training will be carried out to build the capacity of the Nepal Army in this area.

50. The presence of landmines and improvised explosive devices in the community continued to cause harm, but there has been a significant reduction in casualties as compared with the previous two years. In the period from 1 January to 30 November, 63 casualties were reported, down from 90 in November 2007 and 164 in 2006.

51. The provision of maps and sketches, as required by the Comprehensive Peace Agreement, has been only partially met. The Nepal Army has submitted maps of all 53 minefields, but details on the 275 or more security positions reinforced with command-detonated devices have not been disclosed.

VIII. United Nations country team coordination

52. The United Nations country team and UNMIN continued to work very closely during the reporting period, in particular with regard to the United Nations Peace Fund for Nepal, which is chaired by my Special Representative, with the Resident Coordinator acting as vice-chairperson. Following the release of $10 million from the United Nations Peacebuilding Fund, the United Nations Peace Fund for Nepal is in the process of allocating $12.2 million to projects within the areas of discharge and reintegration, support to commissions anticipated under the peace agreements, youth employment, housing and land and local peace capacities. Since my previous report, the Fund has received an additional contribution from the Government of

Norway. It has been agreed that, after the end of the current mandate of UNMIN, the Executive Committee of the Fund will be chaired by the Resident Coordinator.

53. Support for the Constituent Assembly and its members was provided in a range of areas. It included an initiative in support of Security Council resolution 1325 (2000) to orient women Assembly members in areas of parliamentary culture, constitution-drafting, human rights, gender and social inclusion. Other activities included targeted training for Assembly members from indigenous backgrounds on social inclusion and the constitution-making process. A United Nations-sponsored two-day seminar for Assembly members focused on humanitarianism and crisis management. Renovations are under way of the premises for the new United Nations-supported Centre for Constitutional Dialogue, which will open in January 2009.

54. In the light of the growing population of young people in Nepal and their central role in the country's future prosperity and stability, the United Nations country team launched a United Nations youth advisory panel on 23 October. The panel will advise the United Nations on pro-youth strategies within the United Nations Development Assistance Framework.

55. In November, under the leadership of the Resident Coordinator/Humanitarian Coordinator, and supported by the Office for the Coordination of Humanitarian Affairs, a successful application was made to the United Nations Central Emergency Response Fund. An allocation of $3 million was made available to assist rural communities suffering from serious food insecurity. Projects will be aimed specifically at meeting the critical food needs of vulnerable households and women, children, ethnic minorities and indigenous populations in acutely distressed districts of the country. This brings to $12.6 million the total amount of United Nations Central Emergency Response Fund resources released to Nepal in 2008 in response to the Koshi floods, flooding and landslides in the mid- and far-western regions, the food crisis and other urgent humanitarian needs. In addition, the World Bank, through the Government of Nepal, released $16 million to the World Food Programme to protect the lives and rebuild the livelihoods of 2.7 million food-insecure, conflict-affected people.

56. The United Nations country team continues to explore potential areas of future demand for United Nations technical support in the peacebuilding process ahead. In this context, scoping missions were fielded by the United Nations Human Settlements Programme (UN-Habitat) and the Food and Agriculture Organization of the United Nations to review housing, land and property issues. A fact-finding mission was also fielded by the World Tourism Organization in December to explore how the United Nations could expand its support to that critical area of potential growth in Nepal.

IX. Observations

57. While my visit to Nepal late in October further impressed me with the achievements of the peace process, I am disappointed to have to report so little progress regarding the issues most relevant to the mandate of UNMIN. It is particularly regrettable that the political parties have to date failed to reach agreement regarding the special committee to supervise, integrate and rehabilitate the Maoist army personnel so that it can begin its important work. That is one

important indication of the wider tensions among the political parties, which could imperil the completion of the peace process and the drafting of the Constitution. I reiterate the appeal I made during my visit for the political actors to advance in a spirit of cooperation, forging a shared vision through dialogue and laying the foundation for a stable Nepal for generations to come.

58. On 12 December, the Permanent Representative of Nepal to the United Nations wrote to me expressing appreciation for the work of UNMIN and requesting, on behalf of his Government, an extension of the current mandate and the related work of UNMIN by a further six months, from 23 January 2009.

59. In its resolution 1825 (2008), the Security Council called upon all parties to take full advantage of the expertise and readiness of UNMIN, within its mandate, to support the peace process to facilitate the completion of outstanding aspects of the mandate of UNMIN. At the same time, it called upon the Government of Nepal to continue to take the necessary decisions to create conditions conducive to the completion of UNMIN activities by the end of the current mandate, including through implementation of the agreement of 25 June, in order to facilitate the Mission's withdrawal from Nepal. I and my Special Representative have repeatedly drawn attention to the fact that an exit strategy for UNMIN requires decisions regarding the future of those in the Maoist army cantonments and have urged that that issue be addressed through the agreed process, that is, the special committee.

60. Since the Prime Minister had indicated to me, in meetings in New York and Kathmandu, and to my Special Representative, that a request for an extension was likely, a small advisory team visited Nepal in the period from 5 and 14 December in order to contribute, through my Special Representative, to recommendations regarding the work of the United Nations in assisting in the management of arms and army personnel, with particular reference to the work of the special committee. The team was fielded through the Mediation Support Unit of the Department of Political Affairs and was headed by Major General (ret.) Michael Smith, former United Nations Deputy Force Commander in the United Nations Transitional Administration in East Timor and Executive Director of the Asia Pacific Civil-Military Centre of Excellence, recently established by the Government of Australia, which kindly made his services available. The team met with the Prime Minister, the Deputy Prime Minister, who has been designated to chair the special committee, other officials, the Chief of Army Staff and senior officers of the Nepal Army, Maoist army commanders, representatives of political parties and members of the international community potentially willing to assist in the process of integration and rehabilitation.

61. The team, which was accompanied throughout the visit by senior UNMIN officials, found that all the Nepalese interlocutors were looking to the United Nations to play a role in assisting the special committee once it is functioning. Most representatives of the international community expressed the view that the United Nations is best placed to coordinate international assistance to the special committee. All believed that the role of UNMIN arms monitors and of the Joint Monitoring Coordinating Committee will be of importance during the process of integration and rehabilitation, as well as during the discharge of minors and others disqualified by the UNMIN verification process.

62. It is clear that the United Nations, if it is not to risk jeopardizing the peace process, cannot immediately terminate the support it has been providing through

UNMIN as requested by the Government of Nepal. But neither can the United Nations be expected to maintain indefinitely the monitoring of arms and armed personnel while the process for deciding the future of the former combatants is further delayed. I have consistently sought to have UNMIN complete its tasks and be phased out as soon as possible, and I am conscious of the concern expressed by some members of the Security Council that, if there is to be a further extension, UNMIN should be further downsized. I therefore recommend that the Council extend the mandate of UNMIN for a further six months, with the Mission being subject to further downsizing from 23 January 2009. The United Nations will continue to urge that the work of the special committee, as well as the discharge of minors and other disqualified personnel, move ahead as rapidly as possible, and will offer its assistance for those processes. It will do so in the hope that this could assist Nepal in completing its peace process and bring the Mission's mandate to an end at the earliest date possible. UNMIN will also continue to urge the Government to consider interim measures which could reduce its monitoring requirements. The Council may wish to receive a report on progress in these areas no later than 30 April 2009.

63. Meanwhile, I propose that the number of arms monitors contributed by Member States should be retained at the strength of 73, authorized when UNMIN was downsized in July 2008, but that most of the 18 remaining civilian posts which have been filled by retired military officers should be abolished as at 23 January 2009. Further reductions in the numbers of arms monitors would depend on how soon alternative interim measures could be introduced. The Political Affairs Office will be further reduced, and a number of other substantive posts eliminated, achieving a reduction of one third in substantive posts. The support services will be substantially reduced and remaining functions increasingly performed by national staff; international support posts will be approximately halved. With the further downsizing, UNMIN would be headed by a representative, instead of a special representative of the Secretary-General.

64. I do not believe that it will be easy for consensus to be reached in the special committee, once it begins its work. There are substantial differences in the positions and views of political parties, and sometimes within parties, and between the approaches favoured by the Maoist army and by the Nepal Army. The Comprehensive Peace Agreement did not fully negotiate the future of the armies, but confined itself to defining processes, which have yet to commence, with regard to both the special committee and the parallel commitment to an action plan for the democratization of the Nepal Army. However, the United Nations stands ready to assist the special committee if, once it begins to function, the Government confirms the desire for such assistance that was recently expressed to the advisory team. I therefore appeal once more to all Nepalese parties to work together and complete the process of integrating and rehabilitating the Maoist army personnel as soon as possible.

65. The integration and rehabilitation of Maoist army personnel is critical to sustainable peace, but it is only one of the challenges facing Nepal. The need to implement other peace process commitments, improve the security situation, especially in parts of the Tarai, end the prevailing impunity and address the wounds of the conflict, reach sufficient consensus in the drafting of a federal Constitution, promote inclusiveness in Government positions, including in the security forces, and, above all, sustain sufficient cooperation among major political forces while

those challenges are addressed, reflects the fact that the peace process in Nepal is still a fragile one. It is and will remain a Nepalese-led process, but the United Nations will continue to be available to assist as may be requested.

66. The fragility of the situation is no reason for the international community to hold back on support to Nepal. On the contrary, I concluded my visit to Nepal with the firm intention not only to intensify the support of United Nations development agencies, but also to appeal to the international community as a whole to help bring to the people of Nepal the benefits of the peace for which they have struggled.

67. In conclusion, I would like to convey my appreciation to the Security Council and Member States for their continued support to Nepal. I would also like to express my gratitude for the dedicated efforts of my Special Representative, his staff and their partner organizations in Nepal.

United Nations S/2009/2

Security Council

Distr.: General
6 January 2009

Original: English

Note by the President of the Security Council

Pursuant to paragraph 4 (b) of the note by the President of the Security Council dated 30 October 1998 (S/1998/1016), and after consultations among the members of the Council, it was agreed to elect the Chairmen and Vice-Chairmen of subsidiary bodies for the period ending 31 December 2009 as follows:

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Chairman:
Claude Heller (Mexico)

Vice-Chairmen: Croatia and Libyan Arab Jamahiriya

Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

Chairman:
Le Luong Minh (Viet Nam)

Vice-Chairmen: Libyan Arab Jamahiriya and Turkey

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Chairman:
Thomas Mayr-Harting (Austria)

Vice-Chairmen: Burkina Faso and Russian Federation

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Chairman:
Neven Jurica (Croatia)

Vice-Chairmen: France, Russian Federation and Viet Nam

09-20535 (E) 090109

Security Council Committee established pursuant to resolution 1518 (2003)

Chairman:
Michel Kafando (Burkina Faso)

Vice-Chairman: Japan

Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

Chairman:
Giadalla Azuz Ettalhi (Libyan Arab Jamahiriya)

Vice-Chairmen: Turkey and Uganda

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Chairman:
Baki İlkin (Turkey)

Vice-Chairmen: Costa Rica and Viet Nam

Security Council Committee established pursuant to resolution 1540 (2004)

Chairman:
[illegible]e Urbina (Costa Rica)

Vice-Chairmen: Croatia, Mexico and United Kingdom of Great Britain and Northern Ireland

Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Chairman:
Claude Heller (Mexico)

Vice-Chairmen: Austria and Uganda

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Chairman:
Thomas Mayr-Harting (Austria)

Vice-Chairmen: Croatia and Mexico

Security Council Committee established pursuant to resolution 1636 (2005)

Chairman:
Michel Kafando (Burkina Faso)

Vice-Chairmen: Austria and Viet Nam

Security Council Committee established pursuant to resolution 1718 (2006)

Chairman:
Baki İlkin (Turkey)

Vice-Chairmen: Costa Rica and Libyan Arab Jamahiriya

Security Council Committee established pursuant to resolution 1737 (2006)

Chairman:
Yukio Takasu (Japan)

Vice-Chairmen: Burkina Faso and Costa Rica

Working Group on Peacekeeping Operations

Chairman:
Yukio Takasu (Japan)

Ad Hoc Working Group on Conflict Prevention and Resolution in Africa

Chairman:
Francis K. Butagira (Uganda)

Working Group established pursuant to resolution 1566 (2004)

Chairman:
Neven Jurica (Croatia)

Working Group on Children and Armed Conflict

Chairman:
Claude Heller (Mexico)

Informal Working Group on Documentation and Other Procedural Questions

Chairman:
Yukio Takasu (Japan)

Informal Working Group on International Tribunals

Chairman:
Thomas Mayr-Harting (Austria)

United Nations A/ES-10/431–S/2009/3

General Assembly
Security Council

Distr.: General
5 January 2009

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 2 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I am compelled to write to you once again, as Israel, the occupying Power, presses on with the deadly and destructive military campaign it launched six days ago against the Palestinian civilian population in the Gaza Strip. Despite the international outcry and condemnation and despite the vast human suffering and humanitarian catastrophe deliberately and wilfully being caused, Israel continues its lethal military assaults against the defenceless civilian population in Gaza, killing and injuring many more civilians. Even as I write this letter, indiscriminate Israeli air strikes are targeting densely populated neighbourhoods and refugee camps. Today alone, six children have been killed, bringing the total number of casualties thus far to 428 persons killed, and over 2,200 persons injured.

Yesterday, Israel perpetrated yet another extrajudicial killing, as its fighter jets struck the four-story house of Nizar Rayyan, completely destroying the home, which is situated in the middle of the Jabaliya refugee camp, and murdering him as well as 13 members of his family, including his nine children. This brutal political assassination, committed by the occupying Power in flagrant violation of international law, also endangered the lives of scores of children, women and other civilians in what is clearly a civilian area.

In this regard, over the past six days, Israel, the occupying Power, has repeatedly and deliberately targeted civilian areas and objects in the Gaza Strip, in grave breach of the Fourth Geneva Convention. In addition to direct attacks on homes, this has included strikes against civil defence installations, destroying vitally needed firefighting vehicles and other equipment needed to cope with the massive destruction Israel's non-stop bombardment of the area is causing.

At the same time, the occupying Power has persisted in its obstruction of the entry of vitally needed humanitarian aid to the Gaza Strip, exacerbating the rapidly declining humanitarian situation. International aid organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East

09-20058 (E) 060109

(UNRWA), have issued repeated appeals to allow for the entry of humanitarian assistance that is desperately needed by the population. In this regard, we wish to underscore that reports indicate that the warehouses of both UNRWA and the World Food Programme (WFP) in the Gaza Strip are now virtually empty and the absence of such food supplies threatens the dependent civilian population in Gaza with starvation.

The international community must be clear in its condemnation of such criminal behaviour against the Palestinian civilian population under Israel's occupation and must demand that the occupying Power abide by its obligations under the Fourth Geneva Convention and other relevant provisions of international law. In this regard, we reiterate our urgent appeal to the United Nations, in particular the Security Council, to act to bring an immediate end to the grave breaches of international humanitarian law being committed by Israel, which are only wreaking carnage and destruction among our people.

We also call once again for all efforts to be exerted to compel Israel to lift its inhumane siege of Gaza and to allow for urgently needed humanitarian assistance and other basic supplies to reach the civilian population. Moreover, we reiterate our call for the provision of international protection for the defenceless Palestinian civilian population in the Gaza Strip. We believe that such steps are necessary to ensure that the bloodletting ends, to ensure the well-being and safety of the civilian population and to promote calm in the area and avert the further deterioration and inflammation of the situation.

The international community has consistently and repeatedly rejected Israel's illegal practices in the Occupied Palestinian Territory and called on it to comply with its obligations as occupying Power in respect of the Fourth Geneva Convention. The international community must remain firm in its demands and the High Contracting Parties to the Fourth Geneva Convention in particular have the obligation to ensure respect for the Convention and to hold Israel responsible for its grave breaches. Further in this regard, the United Nations, including the Security Council, must uphold its Charter responsibilities to address this crisis and to help the Palestinian people, who are suffering the wrath of an oppressive, brutal military occupation, subjected to unprecedented collective punishment, military assaults and innumerable violations of their human rights by Israel, the occupying Power.

The present letter is in follow-up to our previous 326 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 30 December 2008 (A/ES-10/430-S/2008/835), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice (as all the victims have not yet been identified, their names will be included in an annex to a future letter).

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations A/ES-10/432–S/2009/4

General Assembly
Security Council

Distr.: General
5 January 2009

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 5 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

The Palestinian death toll continues to rise as Israel, the occupying Power, continues to trap, traumatize and terrorize the more than 1.5 million Palestinians living in the besieged Gaza Strip. In less than 10 days, Israel's excessive, disproportionate and indiscriminate use of force has brutally killed more than 500 Palestinians, including 107 children and 37 women. The tragic and continuous climb in the number of casualties is reflective of Israel's ongoing bloody onslaught against the Palestinian population in the Occupied Gaza Strip, in complete disregard and violation of all norms and rules of international humanitarian law and human rights law.

On Saturday, 3 January 2009, thousands of Israeli occupying forces, backed by tanks and helicopters, entered the Gaza Strip, unleashing a heightened level of aggression on the Palestinian civilian population there. Just a couple hours after the ground invasion by the occupying forces, medics reported the number of innocent civilian casualties continued to mount and that children and women were among the dead.

Since Saturday, there have been numerous accounts of civilian casualties due to Israel's barbaric military campaign throughout Gaza. In the east of Gaza City's Zeitoun neighbourhood, two young boys, Ahmed Sabih and Mohammed al-Mashharawi, aged 10 and 11, were killed and several were injured when a shell hit their home. In Gaza City's Tuffah neighbourhood, indiscriminate Israeli artillery fire killed an entire family, including a mother and her four children. Not far from the scene of that brutal killing, Israeli artillery fire targeted the Gaza Municipality building and the nearby fruit market, killing four civilians and injuring 40 others as they shopped for basic necessities. In Beit Lahiya, Israeli occupying forces fired missiles at a mosque, killing 14 Palestinians and injuring dozens of others during evening prayers. Also in Beit Lahiya, an Israeli air strike killed 10 Palestinians, including four children, and injured 30 other civilians. Overnight in Rafah, Israeli

09-20070 (E) 060109

missiles targeted the home of the Barbakh family, killing five members of the same family.

In addition to these tragic events, medical sources in Gaza reported that Israeli helicopters deliberately targeted and killed three paramedics as they rushed to rescue a group of Palestinians in the Tal Al-Hawa neighbourhood in Gaza City. While the paramedics, Yasser Schbeir and Ra'fat Al-Aklouk, rushed to provide medical assistance, an Israeli missile struck them. When two other paramedics hurried to come to their aid, Israeli helicopters targeted them too, killing one and gravely injuring another. To the north in Beit Lahiya, Israeli helicopters also targeted another paramedic team, killing one and injuring another.

Making matters worse, many of the injured, now over 2,500, have not been able to obtain the urgent medical treatment they need. Medical teams have been unable to access areas to rescue the injured and Gaza hospitals, already dealing with critical shortages of supplies due to the 18-month siege of Gaza, have not had the supplies, equipment or capacity to handle the massive number of civilians requiring urgent medical care.

The already dire humanitarian situation in the Gaza Strip has sharply deteriorated, resulting in a critical emergency. According to a situation report issued by the United Nations Office for the Coordination of Humanitarian Affairs on 2 January 2009, the humanitarian crisis in the Gaza Strip was described as "one which cannot be understated". It went on to state that it follows what the United Nations had described as an 18-month-long "human dignity crisis" in the Gaza Strip, entailing a massive destruction of livelihoods and a significant deterioration of infrastructure and basic services. Among some elements of the current humanitarian crisis, it stated that 80 per cent of the population cannot support themselves and are dependant on humanitarian assistance. This figure continues to increase with every day of Israel's assault on Gaza, with severe shortages in basic services and supplies. According to the World Food Programme, the population is facing a food crisis, with shortages of flour, rice, sugar, dairy products, milk, canned foods and fresh meats. Utilities are barely functioning, as the only electric power plant has been shut down. More than 250,000 people living in central and northern Gaza do not have electricity at all due to the damage to 15 electricity transformers during Israel's aerial bombardments. And fuel for heating, needed due to the cold weather, and cooking gas are no longer available in the market.

As more innocent Palestinians, including children and women, continue to be killed and with no end in sight as Israel continues with its aerial bombardment and ground invasion, the international community must do all in its power to compel Israel to immediately cease all its military attacks and scrupulously abide by all of its obligations as the occupying Power, under international law and relevant United Nations resolutions, including the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. In this regard, we continue to call for the immediate protection of the Palestinian civilian population in the Gaza Strip, in accordance with the relevant provisions of international humanitarian law. Moreover, the collective punishment of the Palestinian people in the Gaza Strip must end and the Gaza Strip border crossings should be opened immediately, in order to ensure the free access of

humanitarian aid and other essential supplies and goods and to facilitate the passage of persons to and from the Gaza Strip.

In spite of our deep disappointment at the inability of the Security Council to uphold its responsibilities in maintaining international peace and security and despite 10 days of sustained military attacks that have gravely affected the civilian population and heightened instability and tensions in the region, we continue to call on the Council to fulfil its duties in accordance with the Charter of the United Nations and to take concrete measures to end Israeli aggression. The international community cannot allow the occupying Power to continue to act with such flagrant impunity and disrespect for the law, which has resulted in the tragic death and suffering among the defenceless Palestinian civilian population.

This letter is in follow-up to our previous 327 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 2 January 2009 (A/ES-10/431-S/2009/3), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice. (As all the victims have not yet been identified, their names will be included in an annex to a future letter.)

I should be so grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

United Nations S/2009/5

Security Council

Distr.: General
6 January 2009
English
Original: French

Letter dated 5 January 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1842 (2008) concerning Côte d'Ivoire. By paragraph 10 of the resolution, the Council decided to extend the mandate of the Group of Experts until 31 October 2009 and requested me to take the necessary administrative measures.

Accordingly, I wish to inform you that, after consulting with the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, I have appointed the following fifth expert to serve on the Group of Experts until 31 October 2009:

Joel Hernando Salek, Colombia (finance).

The Group is now at its full strength of five members.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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United Nations S/2009/6

Security Council

Distr.: General
6 January 2009

Original: English

Identical letters dated 4 January 2009 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing this urgent letter in order to inform you that yesterday the Israeli Defense Forces began to implement the second stage of the military operation in the Gaza Strip, which includes a ground campaign of forces in Gaza. This stage is intended to destroy the terrorist infrastructure of Hamas and to take control of rocket launching areas used by the terrorist organizations in Gaza. This activity forms part of the overall military operation that Israel commenced eight days ago in order to protect civilians in Southern Israel and change their reality of living under a constant assault of rockets and mortars.

In response to Hamas' continuous terrorist attacks, Israel has been acting in accordance with its inherent right to self-defence enshrined in Article 51 of the Charter of the United Nations. As I emphasized in my previous letter, the State of Israel was compelled to resort to this defensive military operation after a long period during which its citizens were subjected to deliberate terrorist attacks. It did so after exhausting all other means to halt terrorist attacks against its citizens.

Hamas bears sole responsibility for the current situation in Gaza. It abused the "state of calm" — facilitated by Egypt — by smuggling and producing thousands of rockets in Gaza and dramatically extending their range and scope. As a result, more than 1 million Israeli citizens now live under imminent threat of rockets. In mid-December, Hamas declared the end of the "state of calm" and escalated its attacks by the hundreds. Since then, daily life in Southern Israel has been paralysed. Civilian places — markets, schools, kindergartens, private homes — were, and remain, under constant attack.

The sole targets of this operation are the terrorists and their infrastructure. Israel is not at war with the Palestinian people. As such, we are doing our utmost to avoid and minimize civilian casualties and to take the necessary precautionary measures in accordance with Israel's obligations under international humanitarian law. Despite the ongoing hostilities, Israel makes — and will continue to make — every effort to allow humanitarian relief into the Gaza Strip.

In sharp contrast, Hamas conducts its operations in gross violation of international humanitarian law. Hamas hides weapons in private homes, mosques and hospitals, and fires missiles from within densely populated areas. Hamas seeks to shield its infrastructure from attacks, exposing its own civilians to extreme danger. Hamas is thus responsible for all civilian casualties in Gaza.

09-20133 (E) 070109

The Government of Israel is defending its citizens from the threat of terrorism. It is our inherent right; indeed, it is our duty. We condemn any attempt to put on an equal footing the State of Israel — a sovereign State and Member of the United Nations — with Hamas and other terrorist organizations. The international community should rather support Israel in its efforts to eliminate terrorism and to isolate Hamas and other terrorist organizations.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

United Nations A/63/672–S/2009/7

General Assembly
Security Council

Distr.: General
7 January 2009

Original: English

General Assembly
Sixty-third session
Agenda items 15 and 16

Security Council
Sixty-fourth year

The situation in the Middle East

Question of Palestine

Letter dated 5 January 2009 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

I have the honour to forward herewith the statement of Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, in connection with the Israeli aggression against Gaza (see annex).

I would appreciate it if the present letter and its annex were issued as a document of the General Assembly, under agenda items 15 and 16, and of the Security Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

09-20223 (E) 080109 080109

Annex to the Letter dated 5 January 2009 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

[Original: Arabic]

Speech of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, to the Arab Umma regarding the Israeli aggression against the Gaza Strip

Sunday, 4 January 2009 — Doha

O citizens of the Arab Nation,

O Arabs in Palestine,

O steadfast people of the Gaza Strip,

May the Peace and the mercy and blessings of Allah be upon you.

In recent days, our noble people in the Gaza Strip has been subjected to a vicious aggression that does not discriminate among children, women and the elderly or between civilian and combatant. How can a plane that is bombing a camp teeming with tens of thousands of people distinguish among its victims? War launched with such weapons against such targets is nothing but a war crime as defined by international agreements, laws and norms.

Even without the other problems related to the Arab-Israeli conflict and the Palestinian problem, the horrors besetting the Gaza Strip today would make it incumbent on Arabs to call out to each other and to call on their leaders for action.

Every Arab boy and girl knows that the Gaza Strip has been suffering under three years of an oppressive blockade, extending even to food and medicine, for no other reason than that the Palestinian people has taken democracy seriously and made its own choices. We all know that Israel remains an occupying force in the West Bank and Gaza even after its unilateral withdrawal from the Strip, and that the "state of calm" has not stopped Israel from going ahead with assassinations and incursions and imposing its suffocating blockade on the Strip.

The blockade turned Gaza into a concentration camp. When that failed to break the will of the Palestinian people, along came the current military attack. This attack must stop. A ceasefire that stops the bloodshed, under terms that put an end to the blockade, must be agreed. The blockade is illegal and inhumane. Any attempt to justify or support it is illegal and immoral. How can support for an illegal blockade be justified legally?

As our defenceless people in the Gaza Strip face this aggression, they are writing a heroic chapter in the history of the Arab Nation with their blood. The horror of what is happening, the sheer scale of the oppression and the heinousness of the crime being committed all require us to act. And as we act, we must be aware that the blood of the martyrs is a sacred trust for us all because it has been spilt in defence of the homeland and in opposition to the blockade.

Qatar has chosen the path of a just peace and has paid a price for that choice in allegations and accusations. But we desire a just peace because it is in the interests of all parties, not just the Arabs. Such a peace would not be consistent with continuing settlement activity, the judaization of Jerusalem, the blockade, and attacks on civilians. I say to the Israeli leadership that military arrogance and the killing of innocent civilians will not bring about security, either for you or for us; rather, it will have catastrophic consequences. Did the planners of this war give any thought to the angry generations of Arabs and Palestinians who are growing up witnessing these events?

We must sacrifice everything that is precious and dear to us to help our brothers in Gaza. This is not a gift from us, but our debt to them, an obligation to all those who have sacrificed their lives. For such assistance to achieve the desired end, we must all cooperate to ensure that it goes directly to our people in the Strip in order to strengthen their resolve and resistance and boost their morale.

It should also be made clear that any political action should not be interpreted as rewarding aggression or allowing the aggressor to reap political gains from his crimes. Therefore, any ceasefire must provide for the lifting of the blockade and the opening of all border crossings. Anyone who merely calls for a mutual ceasefire is equating the criminal and victim, and justifying the aggression and the blockade.

We in Qatar have called for an emergency Arab summit to formulate a stance on the aggression against Gaza. Activity in the Arab streets and among many of the global forces for peace has shown that that is the least that is expected from us. We continue to believe that it is within our power to do something and that the issue is not the summit per se, but the will that we bring to the summit. If we can muster sufficient will, we will be able to take decisions that will have an impact on both the international community and Israel.

Some brothers have tried to go to the Security Council before holding a summit. But we have again seen that if we lack sufficient will, the international community will not listen to us. Before the international community listens to us, we must listen to our own Arab Nation.

We therefore renew our call for an emergency Arab summit. I leave that choice to the Arab leadership.

United Nations A/ES-10/433–S/2009/8

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Security Council

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6 January 2009

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 6 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

For the eleventh day now, Israel, the occupying Power, continues with impunity to unleash its military wrath on the defenceless population of the Gaza Strip. This is an illegal, immoral, and reprehensible massacre that the international community has thus far failed to stop and is a shame we must not tolerate or accept. The Israeli occupying forces have continued killing Palestinian civilians, annihilating entire families in the process. As being reported by several human rights organizations working on the ground, war crimes are being committed against Palestinian civilians.

As we write this letter, Palestinian paramedics struggle to access the Al-Dayeh four-story home, which Israeli artillery and fighter jets completely demolished. So far, at least 13 civilians, including newborns and toddlers, were among those recovered from under the rubble.

On Sunday, another massacre was committed, this time against the Al-Samoudi family in Al-Zaitoun neighbourhood east of Gaza City. Israeli occupying forces forced several families to gather in one unfinished house. Moments later, the survivors say, Israeli tanks pounded the house, where 70 people were inside, killing at least 13 civilians and critically injuring the remaining civilians. It took paramedics two days and great risk to their lives to reach the house and rescue those who did not die of their wounds.

Also in Gaza, Israeli artillery fire rained down on the Abu Eisha family in Gaza City's Al-Zaitoun neighbourhood on Monday evening, killing the entire family. Seven civilians, including four children, were killed in cold blood and became the latest family destroyed in Israel's war on Palestinian civilians. This family left behind 6-year-old Dalal, who was visiting relatives elsewhere in Gaza. The trauma and pain that this young girl will endure for the rest of her life is something the international community cannot ignore and it should not dodge its legal and moral responsibility towards these innocent civilians.

09-20127 (E) 070109

Israel's crimes continue unabated, including the pursuit of civilians who have fled in panic and fear to seek refuge in United Nations schools after Israeli destruction of their homes and neighbourhoods. So far, Israeli artillery and missile fire have targeted four schools run by UNRWA, killing scores of civilians. Overnight on Monday, Israeli missiles killed three civilians in an UNRWA school in Al-Shati' refugee camp. Moreover, as of the writing of this letter, Israeli missiles had targeted Al-Fakhoura school in the Jabaliya refugee camp. Medical sources report that this military assault has killed at least 42 civilians thus far and wounded more than 40 others.

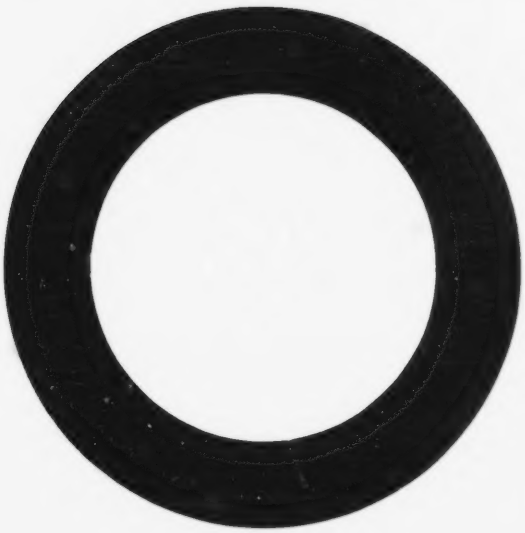
This ongoing Israeli aggression constitutes a war crime and crime against humanity. Israel, the occupying Power, is not only shirking, but is also gravely breaching, its responsibilities towards the Palestinian civilian population under its occupation and, in the process, is trampling the very principles and laws the international community claims to stand for and protect. International organizations confirm that more than 20 per cent of the approximately 600 Palestinian civilians killed are women and children. We warn that dozens of Palestinians remain under the rubble of Gaza homes and will likely not survive the ongoing military assaults. Further, we wish to draw your attention to the fact that international aid organizations, including UNRWA and the International Committee for the Red Cross, have declared that Israel is obstructing their efforts to assist the civilians in need, also in grave violation of international law.

We must not allow this massacre to continue. The international community must not allow Israel to continue committing such grave crimes with impunity. All must be held accountable for their actions and inactions with regard to what is happening in the Gaza Strip. History will not forgive those of us who stand by as this aggression continues. Our collective conscience and moral responsibility must compel us to act. The world is watching, in particular the suffering Palestinian people, and awaiting serious action to address this crisis, including by the Security Council, which has the primary responsibility to act for the maintenance of international peace and security, which is being gravely threatened by Israel's war against the civilian population in the Gaza Strip.

This letter is in follow-up to our previous 328 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 5 January 2009 (A/ES-10/432-S/2009/4), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice. (As all the victims have not yet been identified, their names will be included in an annex to a future letter.)

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer



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Letter dated 6 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite Mr. Mahmoud Abbas, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian National Authority, to participate in the meeting of the Security Council, which is to be held on Tuesday, 6 January 2009, to discuss the situation in the Occupied Palestinian Territory, particularly in the Gaza Strip.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine

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